

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Stichting Shell Pensioenfonds (Appellant)

DEFENDANTS

Bernard L. Madoff Investment Securities, LLC (Appellee)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ropes & Gray LLP, Prudential Tower, 800 Boylston Street,
Boston, MA 02199-3600, 617-951-7000

ATTORNEYS (IF KNOWN)

Christopher G. Green, James A. Wright, Andrew G. Devore

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158(a)(1): appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned See attachmentIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
		PERSONAL INJURY		PERSONAL INJURY					
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE				
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 620 OTHER FOOD &	28 USC 158	<input type="checkbox"/> 410 ANTI-TRUST				
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 366 PRODUCT LIABILITY	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING				
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 630 LIQUOR LAWS	28 USC 157	<input type="checkbox"/> 450 COMMERCE				
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 640 RR & TRUCK		<input type="checkbox"/> 460 DEPORTATION				
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 650 AIRLINE REGS		<input type="checkbox"/> 470 RACKETEER INFLU-				
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 660 OCCUPATIONAL		ENCED & CORRUPT				
<input type="checkbox"/> ENFORCEMENT OF	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 690 OTHER		ORGANIZATION ACT				
<input type="checkbox"/> JUDGMENT	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 370 OTHER FRAUD			(RICO)				
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING			<input type="checkbox"/> 480 CONSUMER CREDIT				
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL			<input type="checkbox"/> 490 CABLE/SATELLITE TV				
<input type="checkbox"/> DEFAULTED		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 810 SELECTIVE SERVICE				
<input type="checkbox"/> STUDENT LOANS		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 850 SECURITIES/				
<input type="checkbox"/> (EXCL VETERANS)		<input type="checkbox"/> 385 PROPERTY DAMAGE			COMMODITIES/				
<input type="checkbox"/> 153 RECOVERY OF		<input type="checkbox"/> 385 PROPERTY DAMAGE			EXCHANGE				
<input type="checkbox"/> OVERPAYMENT OF		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 875 CUSTOMER				
<input type="checkbox"/> VETERAN'S BENEFITS		<input type="checkbox"/> 385 PROPERTY DAMAGE			CHALLENGE				
<input type="checkbox"/> 160 STOCKHOLDERS SUITS		<input type="checkbox"/> 385 PROPERTY DAMAGE			12 USC 3410				
<input type="checkbox"/> 190 OTHER CONTRACT		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 890 OTHER STATUTORY				
<input type="checkbox"/> 195 CONTRACT PRODUCT		<input type="checkbox"/> 385 PROPERTY DAMAGE			ACTIONS				
<input type="checkbox"/> LIABILITY		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 891 AGRICULTURAL ACTS				
<input type="checkbox"/> 196 FRANCHISE		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 892 ECONOMIC				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			STABILIZATION ACT				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 893 ENVIRONMENTAL				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			MATTERS				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 894 ENERGY				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			ALLOCATION ACT				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 895 FREEDOM OF				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			INFORMATION ACT				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 900 APPEAL OF FEE				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			DETERMINATION				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			UNDER EQUAL ACCESS				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			TO JUSTICE				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			<input type="checkbox"/> 950 CONSTITUTIONALITY				
		<input type="checkbox"/> 385 PROPERTY DAMAGE			OF STATE STATUTES				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE Denise L. Cote DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] []	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] []	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] []
CITIZEN OF ANOTHER STATE	[] []	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] []	FOREIGN NATION	[] []

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Attorneys for Appellant:

Christopher G. Green
James A. Wright
Andrew G. Devore
Ropes & Gray LLP
Prudential Tower
800 Boylston Street
Boston, MA 02199-3600

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
Baker & Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION)

DATE 9/6/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. May Yr. 2005)
Attorney Bar Code # 4357059

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)